

REMARKS/ARGUMENTS

A. General:

1. Claims 1, 6, and 9 have been amended. The amendment to claim 1 will be discussed below. Claims 6 and 9 have been amended to change dependencies due to the cancellation of claim 5.
2. Claim 5 has been canceled.
3. Claims 31-48 having been withdrawn, claims 1-4 and 6-30 remain under examination.

B. Restriction / Election:

Applicants hereby affirm their previous election, without traverse, to prosecute the invention of Group I, claims 1-30.

C. § 103 Rejections:

1. The Examiner has rejected claims 1, 4, 5, 12, 16, 18, 19, 23-27 and 29-30 under 35 USC 103(a) as being unpatentable over Goswani (US 5,993,738) in view of Korte (Derwent Pub. No. DE 4001305).

Claim 5 has been canceled thereby obviating this rejection as to it.

Applicants have amended claim 1 to include as an additional element the porous matrix of claim 5 which claim has been canceled as a result. Goswani discloses a particle/aerosol filter 12 in Figure 3 and col. 4, lines 33-45, to treat the air by filtering out microorganisms. The porous matrix of Applicants' invention, on the other hand, is not a particle/aerosol filter, but rather the purpose of the porous matrix is to provide additional surface area on which the neutralization of pathogens can occur, as now recited in claim 1. See Applicants' specification, paragraph [0045]. Applicants neutralize pathogens through means other than the porous

matrix and, therefore, would not have looked to Goswani, which, as noted, only discloses a filter for treating air. Additionally, Reisfeld et al. cited by the Examiner as disclosing a porous matrix, in fact, like Goswani, discloses only a filter having catalytic coating again for treating the air. Therefore, Reisfeld et al. also cannot be used to render obvious claim 1, as amended.

Because none of the references suggest the use of a porous matrix to provide additional surface area on which pathogen neutralization can occur, the references cannot be combined to render obvious claim 1, as amended, and, therefore, also can not render obvious claims 1, 4, 12, 16, 18, 19-27, and 29-30 which depend therefrom.

2. The Examiner has rejected claims 2 and 3 under 35 USC 103(a) as being unpatentable over Goswani (US 5,993,738) in view of Korte (Derwent Pub. No. DE 4001305) as applied to claims 1, 4, 5, 12, 16, 18, 19, 23-27, and 29-30 above, and further in view of Murphy et al. (US 5,972,196).

For the reasons cited above in Applicants' response to the Examiner's rejection of claims 1, as amended, 4, 5, 12, 16, 18, 19, 23-27 and 29-30 under 35 USC 103(a), the use of Goswani and Korte as references is inapposite, and, therefore, cannot be combined with Murphy et al. to render obvious claims 2 and 3.

3. The Examiner has rejected claims 6-9 under 35 USC 103(a) as being unpatentable over Goswani (US 5,993,738) in view of Korte (Derwent Pub. No. DE 4001305) as applied to claims 1, 4, 5, 12, 16, 18, 19, 23-27, and 29-30 above, and further in view of Reisfeld et al. (US 6,884,399).

For the reasons cited above in Applicants' response to the Examiner's rejection of claims 1, as amended, 4, 5, 12, 16, 18, 19, 23-27 and 29-30 under 35 USC 103(a), the use of Goswani and Korte as references is inapposite, and, therefore, cannot be combined with Reisfeld et al. to render obvious claims 6-9.

4. The Examiner has rejected claims 10 and 28 under 35 USC 103(a) as being unpatentable over Goswani (US 5,993,738) in view of Korte (Derwent Pub. No. DE

4001305) as applied to claims 1, 4, 5, 12, 16, 18, 19, 23-27, and 29-30 above, and further in view of Wen (US 6,673,137).

For the reasons cited above in Applicants' response to the Examiner's rejection of claims 1, as amended, 4, 5, 12, 16, 18, 19, 23-27 and 29-30 under 35 USC 103(a), the use of Goswani and Korte as references is inapposite, and, therefore, cannot be combined with Wen. to render obvious claims 10 and 28.

5. The Examiner has rejected claims 11, 13 and 14 under 35 USC 103(a) as being unpatentable over Goswani (US 5,993,738) in view of Korte (Derwent Pub. No. DE 4001305) as applied to claims 1, 4, 5, 12, 16, 18, 19, 23-27, and 29-30 above, and further in view of Kekez (US 5,882,591).

For the reasons cited above in Applicants' response to the Examiner's rejection of claims 1, as amended, 4, 5, 12, 16, 18, 19, 23-27 and 29-30 under 35 USC 103(a), the use of Goswani and Korte as references is inapposite, and, therefore, cannot be combined with Kekez et al. to render obvious claims 11, 13 and 14.

6. The Examiner has rejected claim 15 under 35 USC 103(a) as being unpatentable over Goswani (US 5,993,738) in view of Korte (Derwent Pub. No. DE 4001305) and Kekez (US 5,882,591) as applied to claims 1, 4, 5, 11-14, 16, 18, 19, 23-27, and 29-30 above, and further in view of Murphy et al. (US 5,972,196).

For the reasons cited above in Applicants' response to the Examiner's rejection of claims 1, as amended, 4, 5, 11-14, 16, 18, 19, 23-27 and 29-30 under 35 USC 103(a), the use of Goswani and Korte as references is inapposite, and, therefore, cannot be combined with Kekez and Murphy et al. to render obvious claim 15.

7. The Examiner has rejected claims 17, 20 and 21 under 35 USC 103(a) as being unpatentable over Goswani (US 5,993,738) in view of Korte (Derwent Pub. No. DE 4001305) as applied to claims 1, 4, 5, 12, 16, 18, 19, 23-27, and 29-30 above, and further in view of Berman (US 5,766,455).

For the reasons cited above in Applicants' response to the Examiner's rejection of claims 1, as amended, 4, 5, 12, 16, 18, 19, 23-27 and 29-30 under 35 USC 103(a), the use of Goswani and Korte as references is inapposite, and, therefore, cannot be combined with Berman et al. to render obvious claims 17, 20 and 21.

8. The Examiner has rejected claim 22 under 35 USC 103(a) as being unpatentable over Goswani (US 5,993,738) in view of Korte (Derwent Pub. No. DE 4001305) and Kekez (US 5,882,591) as applied to claims 1, 4, 5, 11-14, 16, 18, 19, 23-27, and 29-30 above, and further in view of Patapoff et al. (US 5,656,246).

For the reasons cited above in Applicants' response to the Examiner's rejection of claims 1, as amended, 4, 5, 11-14, 16, 18, 19, 23-27 and 29-30 under 35 USC 103(a), the use of Goswani and Korte as references is inapposite, and, therefore, cannot be combined with Kekez and Patapoff et al. to render obvious claim 22.

D. Double Patenting Rejection:

The Examiner has provisionally rejected claims 1, 4, 5-13, 15-17, 22-24, and 27-28 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 4, 5, 7-10, 18 and 19 of copending application no. 10/257,196 in view of Korte (Derwent Pub. No. DE 4001305).

Applicants will file a terminal disclaimer to obviate this rejection upon receiving an indication of allowable subject matter.

E. **Conclusion:**

Claims 31-48 having been withdrawn from consideration, Applicants respectfully request that a timely Notice of Allowance be issued in this case for claims 1-4 and 6-30.

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